



**State & Federal Contractors  
Water Agency**

1121 L Street, Suite 806, Sacramento, CA 95814

August 22, 2011

Mr. Michael Machado, Executive Director  
Delta Protection Commission  
14215 River Road  
P.O. Box 530  
Walnut Grove, California 95690

RE: Comments of the State and Federal Contractors Water Agency on the August 9,  
2011 Public Draft of the Economic Sustainability Plan for the Sacramento-San  
Joaquin Delta.

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Dear Mr. Machado:

We appreciate the opportunity to review the Public Draft Economic Sustainability Plan (ESP) and recognize the short time frame the Commission is faced with in finalizing the document. Unfortunately, we find that the ESP fundamentally misstates its purpose under the Delta Reform Act. "...this report analyzes the impact of key policies being considered for the [Delta Plan] on the economic sustainability of the Delta." (p. 7) The ESP is not supposed to be an "impact" analysis. It is supposed to be a proactive, positive, constructive input to the Delta Stewardship Council and the Delta Plan that provides recommendations on how to promote the economic sustainability of the Delta "as an evolving place" consistent with the Delta Plan's activities to further the achievement of the coequal goals – including the BDCP. In this regard, the authors should take heed to the words that were laid out for them in the DSC's July 14<sup>th</sup> letter regarding the ESP. The ESP is not supposed to be a report that seeks to negate activities in the Delta Plan (or the BDCP) that will no doubt have implications and impacts on the economic mix of the Delta. Simply put, the ESP is not a tool to argue against various activities under consideration, but rather to provide the best advice to the Delta Stewardship Council on how to accommodate the activities of its Delta Plan – including the BDCP – while promoting the economic sustainability of the Delta "as an evolving place". Preserving the status-quo should not be, but in many respects seems to be, the target of the ESP authors' recommendations.

Beyond the fact that the report widely misses the mark in terms of meeting its purpose, even accepting its internally defined purpose it continues to be flawed and in numerous instances factually incorrect. It makes many statements without any revealed basis and exhibits deep bias against directives for conveyance improvements and habitat restoration, now a matter of state law. Left uncorrected, these flaws and bias will discredit the Plan leaving it as irrelevant toward completion of the Delta Plan as earlier drafts.

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While some improvements in recognizing recreation potential are commendable, the Public Draft plan continues to fail in its basic mission to develop actions and a plan to contribute to economic sustainability in the Delta, integrating actions directed by statute with actions that can both diversify and increase economic activity as central to a sustainable future. Instead of adapting to inevitable and legislatively directed change, it myopically clings to an untenable status quo. This is an unfortunate missed opportunity as great potential exists to recognize the intense investment in conveyance and habitat restoration that will occur in the Delta and integrate that with economic diversification including targeted habitat and recreational investments, while bolstering high-value agriculture. This approach would make the Delta a more economically vibrant and sustainable landscape in the future and provide expanded economic opportunity for Delta residents and those in neighboring regions.

#### Comments on Executive Summary Conclusions

The summary makes unsubstantiated conclusions on water quality impacts of an isolated facility based on unrealistic and hypothetical assumptions that are both at odds with the basic planning parameters of the project - that it will be operated to conform to existing water quality objectives - and without reference to extensive hydrodynamic modeling results performed on the project which have shown that water quality objectives will indeed be met. The report relies on an illogical overreach to conclude that agricultural losses will rise as high as \$200 million per year and bases such statement not on any real modeling of the facilities effect under plausible operating conditions but totally hypothetical and arbitrary assumptions about its effect on salinity that would rely on operations that would be illegal. Because of this, the conclusions are patently baseless. This type of approach indicates that the authors have clearly defined the conclusions they wish to have drawn beforehand and the analysis provided is simply designed to support those conclusions, regardless of its veracity.

The summary's conclusion that a 15,000 cfs conveyance poses unacceptably high risks surrounding the financial feasibility, environmental impacts and operations of the project is a best premature and at worst incorrect. The financial feasibility of the project is a matter of concern to its sponsors, and not relevant to the DSP as funding will not come from Delta interests. Given that the environmental impact report on the project is yet to be released, a judgment on this point is at best premature, and the ESP offers no objective basis for claim of environmental risk as its environmental analysis of the facility is cursory, inaccurate and incomplete. Operation of the conveyance are certainly critical to the viability of the project and its impacts but they are far from uncertain. What is certain is that it will be operated to conform to water quality objectives and within the law. The statement that there "are many alternative options for increasing water supply reliability" is wholly unsubstantiated and ignores three decades of integrated water resources planning studies by competent state, regional and local agencies legally charged with providing those supplies that have all concluded that improving delta conveyance is required, notwithstanding investment in other waters resources necessary for reliability.

Our specific comments on the Plan follow.

#### **ESP Framework and Organization**

- **The draft ESP is poorly organized, employs inconsistent styles of writing and presentation, and frequently wanders off topic. The report as a whole lacks any unifying principle or purpose.**  
The Public Draft maintains the same disjointed organization as the First Administrative Draft. Although there has been some additional information presented in the subsequent draft, there

has been insufficient restructuring to allow a reader to readily identify the prospective plan purportedly being presented to the Delta Stewardship Council.

- **The draft ESP presents an amalgamation of several independently generated background reports.**

The Public Draft has the same flaws as the Administrative Draft. The presented information from several reports remains disjointed and details that are crucial to the integrity of the reports are omitted. Chapter 6 remains deeply flawed. Additionally, there are discrepancies in acreage values for Cucumber, Walnut, Cherry and Pumpkin between Table 8 and Table 10.

- **The draft ESP does not provide an economic sustainability plan.**

The Public Draft has included various “Recommended Actions” at the conclusion of its report, but many actions lack substantive reasoning behind their selection. Additionally, there is a clear disconnect between the recommendations and how they will foster regional economic growth while remaining consistent with the coequal goals of water supply reliability and environmental restoration in the Delta.

- **The draft ESP omits key near- and mid-term drivers of regional investment from its analysis.**

The Public Draft displays the same shortcomings as the Administrative Draft.

- **Chapter authors should be identified.**

The Public Draft continues to fail to identify the authors of each chapter and as a result, the statements made, especially when unsupported, are impossible to be identified as credentialed opinions. Consequently, several of the more technical chapters, especially chapter four, remain unsubstantiated. All interested parties should be able to readily identify the author of each chapter to verify the credibility of the material provided.

## **Flood Control and Public Safety**

- **The draft ESP makes numerous unsubstantiated statements regarding the adequacy, safety, and funding of the Delta’s existing levee system.**

The Public Draft persists in its failure to recognize past research and studies regarding the existing levee system and rather than providing supporting evidence, sporadic citations were provided for general, non-substantive statements throughout the chapter. Additionally, the report continues to maintain an apprehensive assertion that outside interests are exaggerating public risks under the current system.

- “These improvements have created significantly improved Delta levees through modern engineering and construction, making obsolete the historic data that is still sometimes used for planning or predicting rates of levee failure.” (p. 39)
- “The History of the Delta levees is relatively well-known and is not repeated in its entirety here” (p. 40) – Provided citations are unnecessary and appear to be filler to satisfy the extensive demand for citations and references.
- “...there are at present only about 50 miles that fall below HMP,<sup>38</sup> and even those levees fall short only by about a foot of elevation.” (p. 53) – Provided citation is mid-sentence and references “discussions” as a source of information. It should also be emphasized that since the HMP standard calls for only 1-foot of freeboard above the 100-year water surface elevation, a levee that is “only about a foot of elevation” below this level will almost certainly fail during a 100-year storm event.

- “Improved inspections and planning and positioning for flood-fighting and emergency response following earthquakes, which would contribute very significantly to a reduced risk of losses, would be very well covered by an annual budget in the order of \$20 million.” (p. 70)
- **The draft ESP concludes that most Delta levees will be brought to standard with existing funding and within a reasonably short time-frame, though it does not cite any documents or engineering studies supporting this conclusion.**

The Public Draft retains many of the unsupported and poorly cited conclusions from the Administrative Draft and these continuing unsubstantiated and poorly cited statements undercut the Plan’s credibility:

- “While most Delta levees need further improvement, many miles of the Delta levees are actually in quite good condition.” (p. 47)
- “Of this sub-set, over 100 miles already exceed the PL 84-99 standard that is discussed below, leaving some 350 miles in need of improvement to the PL 84-99 standard.<sup>33</sup>” (p. 50) – Provided citation references “discussions” as a source of information.
- “Improvement of Delta levees from at or about the HMP standard to the Delta-specific PL 84-88 standard costs are in the order of \$1-2 million per mile<sup>55</sup>...” (p. 69) – Provided citation references “discussions” as a source of information.
- Continuing funding may still be necessary to take care of unexpected settlements and to ensure that 100 percent of the core levees meet the PL 84-99 standard, but the amounts needed for this would not be large, say in the order of \$20 million per year.” (p. 69)
- “These further improvements might cost in the order of an additional \$2-3 million per mile.” “However, for planning and budgeting purposes, it might be desirable to use a higher number like \$2 billion.” (p. 69) – Speculative

#### Additional comments

- The Public Draft states: “It is the overall policy of the State to ‘protect, maintain, and, where possible, enhance and restore the overall quality of the Delta environment, including, but not limited to, agriculture, wildlife habitat, and recreational activities.’ It is also the policy of the State to ‘improve flood protection by structural and nonstructural means to ensure an increased level of public health and safety.’ Taken together, these two policies necessarily mean that the State is committed to maintaining and enhancing the Delta levees in more or less their present configuration.” (p. 39) – This conclusion is improperly reached and it is not the legislative mandate for the ESP to interpret the text of the Delta Reform Act. The purpose of the ESP is to include information and recommendations that inform the Delta Stewardship Council’s policies regarding socioeconomic sustainability of the Delta region while integrating the coequal goals.
- Section 3.1.4, which purports to summarize the preceding discussion of Delta levee categories, introduces the wholly unrelated topic of selective flooding of certain Delta islands. This discussion is out of place and should be discussed elsewhere, such as section 4 of Chapter 5.
- Chapter 4 fails to establish a clear link between the detailed technical information on levees and the ESP. While such a link may be well-understood or even obvious to the authors of this report, it is not clear to the reader. Most of the information presented in this chapter seems more appropriate to a report focused on flood control and emergency relief, rather than long-term economic sustainability of the Delta.

## Delta Agriculture

- **The draft ESP's assertion in section 3.1 (now 4.1) that isolated conveyance would decrease Delta agricultural production by nearly \$200 million is pure conjecture without any revealed analytical foundation whatsoever.**

SFCWA recognizes the attempt to rectify the flaws in Chapter 6, Section 4.1, but the Public Draft remains purely conjectural in its hypothetical assumptions stemming from Table 13 on page 95. Simply put, there are no studies that support the draft's conjectural statements about changes in Delta salinity stemming from operation of an isolated conveyance facility. Moreover, the Public Draft continues to misapply the underlying modeling used to produce the salinity impact estimates in two important ways. First, it strongly implies a causal link between an isolated facility and higher salinity levels in the south Delta even though the underlying modeling posits no such relationship. Second, it continues to misapply the modeling results to exaggerate potential shifts in cropping patterns.<sup>1</sup> As stated in SFCWA's previous letter, for the proposed changes to occur, illegal operation of water projects ignoring water quality requirements would have to be assumed. This section should be re-drafted to reflect hypothetical situations that are rooted in substantive research and credible analyses. In its attempt to "stimulate additional research, analysis and discussion," the Public Draft has failed to produce applicable data through the utilization of abstract guesswork and unfounded estimations.

- **For consistency, the ESP, Delta Plan, Bay Delta Conservation Plan (BDCP), and other planning documents should, when possible, draw from the same data sets and common assumptions when evaluating potential land use changes and resulting impacts of BDCP Conservation Measures (CMs).**

Recognizing it may be impossible at times, the Public Draft neglects to address remaining recognizable differences across data sets and common assumptions. There were some adjustments in Chapter 6, Section 4.2, but discrepancies remain.

- **The draft ESP's agricultural analysis wrongly focuses on crop revenue impacts rather than impacts to regional value added.**

The Public Draft displays the same shortcomings as the Administrative Draft.

- **The draft ESP overstates Delta agriculture's contribution to regional output, value added, and employment by expanding the geographic scope of the ESP to beyond the legal Delta.**

SFCWA recognizes that the Public Draft's text and tables have been updated to reference results for the five county Delta model when discussing regional economic impacts. However, the section entitled Geographic Focus of the Study on page 9 wrongly implies that most information presented in the report will pertain only to the Delta's Primary and Secondary Zones. It should explicitly state that the economic impact analyses presented in the report pertain to the much larger five-county region, of which the Delta is but a small part.

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<sup>1</sup> Whereas the Public Draft asserts potential losses as high as \$191 million under a tripling of south Delta salinity, the underlying report notes that even if D-1641 salinity limits were reached during the entire irrigation season – what the underlying report describes as the worst-case scenario for south Delta salinity – the impacts are under \$35 million in lost revenues annually – assuming a 2010 baseline salinity condition. However, precipitation in 2010 was well above average and hence salinity in the Delta was lower than average. The authors also considered a 5-year average salinity baseline, in which case the worst-case scenario impacts range between \$15 and \$27 million in lost revenue annually. Personal Communication, Dr. David Sunding, June 21, 2011.

#### Additional comments

- The “Other Agricultural Issues” addressed on page 106 of the Public Draft are important agriculture alternatives to consider and should not be so quickly disregarded by a “recent report” with no citation. At minimum, the alternatives should be more fully articulated and future market potential summarized. After all, a major objective of the ESP is identification of potential opportunities for sustaining and strengthening the Delta’s primary industries in ways that are consistent with the coequal goals of water supply reliability and environmental restoration in the Delta.
- The Public Draft should more clearly identify the speculative nature of the estimates of Delta-dependent production value in forward-linked winery and cannery industries and note the significant impact these estimates have on the regional economic impact results presented in Tables 20 thru 23. Approximately 43% of the 5-county regional and 60% of the statewide value added reported in the tables are based on the speculative estimates of winery and cannery dependence on Delta agriculture.

#### Delta Recreation and Tourism

- **The draft ESP’s visitor-day estimates are largely conjectural.**

The Public Draft continues to use the language “In the 1990s the State Department of Parks and Recreation estimated an annual use of 12 million days in the Delta.” “Absent new research, this 12 million visits per year estimate seems to be a reasonable working number until additional primary data collection is performed.” (p. 128). This is an admission of a lack of knowledge about current recreational use in the Delta and any conclusions drawn from these makeshift estimations are speculative.

- **The draft ESP’s estimated regional impacts of Delta recreation are low compared to results from other studies.**

The Public Draft does not recognize existing credible studies and the Chapter itself is extremely limited in citations and references. The chapter is rich with unfounded data that should not be used to prepare recommendations that affect the future of the Delta. While the draft does briefly describe the Goldman et al. regional impact study, it does not explain why the Goldman et al. regional value added estimates for Delta boating recreation are approximately 2.7 times greater than the Public Draft’s value added estimates for all Delta recreation.

- **Estimated changes in Delta recreation under the ESP’s alternative land use, water conveyance, and flood protection scenarios are purely conjectural.**

SFCWA recognizes and is grateful for the augmentations to the six suggested statements between the Administrative and the Public Draft. That being said, the Public Draft maintains the use of unfounded conclusions and subjective assumptions. There is not a single citation from page 149 through page 158, furthering the reality that recommendations should not be drawn from any of these conclusions unless they are from credible and accurate sources. Additionally, the Public Draft states one of the five most negative impacts to the Delta are “Salinity Increases in the Central and South Delta” without any acknowledgement that water quality standards are being met, will be met, and those standards are set to meet beneficial use requirements system-wide by the SWRCB.

- **The draft ESP's conclusions regarding the relative size and importance of recreation to the Delta economy are premature and potentially misleading.**

SFCWA appreciates the change in comparisons of the relative importance of agriculture to recreation in the Delta through the removal of the unfounded claim of 5 to 1 job support. However, the Public Draft is still cluttered with unsubstantiated statements. It is admitted that "As actual visitor counts are lacking, visitation must be estimated," (p. 126) therefore definitive statements should be avoided when recreational uncertainties are prevalent. Additionally, the following statements are not cited and make an assumption that is not supported by a single source of information or rationalization: "Although this concept was developed for boating recreation, it is applicable to Delta recreation as a whole. While some visitors to the Delta do come from Southern California, out-of-state, and international locations, the majority of visitors are from Northern California." (p. 121).

### ESP Policy Scenarios

- **The draft ESP's policy scenarios are not reflective of current proposals or plans under development and as such have limited policy relevance.**

The Public Draft displays the same shortcomings as the Administrative Draft.

- **The draft ESP overstates impacts for Delta farmland by excluding conversion of farmland to tidal habitat in the baseline scenario.**

The Public Draft continues to assume that "none of the habitat conservation measures outlined in the BDCP drafts would be implemented." (p. 74). As stated in our previous letter, this shifts impacts of already required land conversion out of the baseline scenario and into the habitat conversion scenarios, thereby inflating estimated impacts.

- **The draft ESP's policy scenario's focus almost exclusively on potential negative impacts of BDCP actions.**

The Public Draft displays the same shortcomings as the Administrative Draft.

- **The draft ESP's conveyance and habitat restoration scenarios systematically overstate negative impacts to the Delta economy by purposely excluding from the analysis the impacts to regional output, value added, and employment from investment of tens of billions of dollars associated with construction of new Delta conveyance and restoration of Delta habitat. This is a fatal flaw which results in a distorted projection of the future.**

Although there has been some editing and expansion, the Public Draft continues to make the same fundamental flaws as the Administrative Draft. The Public Draft concludes without accurate foundation that isolated conveyance and large-scale tidal habitat restoration are inconsistent with economic sustainability for the Delta.

### Additional Comments

- P 7 ¶ 5 L 2-3: The report misstates the purpose of the ESP per the Delta Reform Act. "...this report analyzes the impact of key policies being considered for the [Delta Plan] on the economic sustainability of the Delta." The ESP is not supposed to be an "impact" analysis. It is supposed to be a proactive, positive, constructive input to the Delta Stewardship Council and the Delta Plan that provides recommendations on how to promote the economic sustainability of the Delta "as an evolving place" consistent with the Delta Plan's activities to further the achievement of the coequal goals – including the BDCP. In this regard, the

authors should take heed to the words that were laid out for them in the DSC's July 14<sup>th</sup> letter regarding the ESP. The ESP is not supposed to be a report that seeks to negate activities in the Delta Plan (or the BDCP) that will no doubt have implications and impacts on the economic mix of the Delta. Simply put, the ESP is not a tool to argue against various activities under consideration, but rather to provide the best advice to the Delta Stewardship Council on how to accommodate the activities of its Delta Plan – including the BDCP – while promoting the economic sustainability of the Delta “as an evolving place”. Preserving the status-quo should not be, but in many respects seems to be, the target of the ESP authors’ recommendations.

- P 8 ¶ 1 L 1-3: It is unclear as to who “established” the listed goals and determined they were “critical” to “support economic sustainability in the Delta.” The goals go well beyond the purposes of the ESP as established in the Act and in fact, some are contrary to those purposes. For example, after numerous other studies have been completed, it is a significant stretch to assert that the legislative direction to make public safety recommendations required the ESP to “Provide the most complete available assessment of the condition of Delta levees” – which is an incredible overstatement of what it actually provides, even as it asserts it “knows” the “right” answer to these issues.
- P 8 ¶ 2 L 1-3: SFCWA appreciates the inclusion of the importance of the coequal goals and we suggest that the authors keep this principle as a primary focus for future drafts. However, the Public Draft appears to dismiss the BDCP, which is a central component of the Delta Plan.
- P 9 ¶ 2 L 1: The Public Draft ESP still does not account for economic benefit of “short-run” capital investments that will actually be significant for at least a decade.
- P 9 ¶ 3 L 1: The acknowledgement that the ESP is “not a comprehensive cost-benefit analysis of Delta water conveyance options” is unnecessary because this is not within the scope of the report. This statement feeds into the misreading of the purpose of the report in that it is not supposed to be an “impact” report but a report that makes recommendations on how to improve the Delta’s economic sustainability going forward as the Delta Plan, including the BDCP, is implemented – whatever the specifics of those activities may be.
- P 21 ¶ 5 L 2: SFCWA recognizes that jobs in the Primary Zone declined by 23 percent from 2002 to 2009. Because there were 841 jobs added, if agricultural jobs are excluded, the implication is that reductions in agricultural activity during that period were even more pronounced. This downward trend in agriculture should not be lost or ignored during the dialogue pertaining to the impacts of land conversion to habitat.
- P 33 carry-over ¶ L 3: The Public Draft appropriately and accurately contains the statement that the Delta Protection Commission’s mission encompasses the “conservation and enhancement of the natural resources of the Delta” along with seeking to sustain agriculture. It is important for the Public Draft authors to bear in mind that the latter does not trump the former.



- P 35 ¶ 4 L 2: The Public Draft incorrectly states that the Delta Stewardship Council is “to recommend Delta instream flow needs.” This task is specifically reserved to the SWRCB in the Act.
- P 37 ¶ 3 L 2: The Public Draft states that the Delta Plan will include recommendations to “reduce reliance on the Delta”. This statement should be removed because Section 85021 is not part of the Delta Plan per se, in seeking to achieve the coequal goals. Alternatively, if the language is retained it should be conformed to the Act by correctly quoting the whole sentence, adding “in meeting California’s future water supply needs”.
- P 47 ¶ 3 L 3: The Public Draft asserts that it “makes a qualitative assessment of [Delta levees’] present condition.” It is unconvincing that the Public Draft has done in a few months what the DRMS study took years and millions of dollars to do. Disagreement does not equate to credible analysis and the value of this assessment is questionable and feebly supported with selected pictures in Appendix B.
- P 63 carry-over ¶ L 21-22: The Public Draft includes the statement “... it is more than five times less expensive that (sic) the presently-proposed BDCP isolated Conveyance....” This is irrelevant and should be deleted. This is another example of the Public Draft inappropriately seeking to define its own future reality rather than addressing economic sustainability of a future that includes actions already determined and related to which economic sustainability should be promoted.
- P 74 ¶ 3 L 5-6: The Public Draft asserts that “none of the BDCP operations descriptions make any commitments to water quality in the central or southern Delta”. It is more important to note that the BDCP expectation is to meet current water quality standards throughout the Delta and all modeling results to date support this ability.
- P 76 Box re: Financing: This entire box should be deleted because it is presumptuous, offensive in its raising a red herring of a potential withholding of contractor funding, and raises a number of hypothetical outcomes that will not and could not occur. Additionally, the opening line of the box states that “impacts on customers of state and federal water projects is beyond the scope of this project...”, as such why does the Public Draft follow that statement with any commentary?
- P 77 ¶ 3 L 9-10: The Public Draft states: “A very expansive open water scenario is *clearly incompatible* with economic sustainability in the Delta, and there is little point in evaluating it in detail” [emphasis added]. This statement is unsubstantiated and should be deleted.
- P 81 Chapter 6: The Public Draft’s chapter on agriculture does very little to differentiate between the Primary Zone and the Delta, while it is in the former that most if not all land conversion will occur. This is a fundamental weakness of the assessment.
- P 96 ¶ 1: This entire paragraph should be deleted and replaced with a simple statement that there is uncertainty regarding potential salinity impacts of changes to water flows in the Delta when new conveyance comes on-line. It is particularly inappropriate to include lines 6-8 which state: “the necessity to pay for the over \$12 billion facility through revenue

from water sales will create pressure to operate the facility in a way that could lead to even larger increases in salinity.” This statement is both unfounded and incorrect.

- P 97 carry-over ¶ L 5-8: When asserting potential agricultural losses as a consequence of hypothesized increases in Delta salinity from operation of new conveyance, the following highly speculative and unfounded statement should be deleted: “...there is a significant risk that losses could be much higher, especially given the lack of specific south Delta water quality standards in the draft BDCP and the expected political and financial pressure to weaken any future standards.” It is not the purpose of the BDCP nor is it appropriate for it to specify any water quality standards, for that is the role of the SWRCB. The BDCP will have to meet such standards as a matter of law. Again, an ESP should not include statements based on paranoia rather than facts and the law.
- P 159 ¶ 4 # 2: While accurately identifying Delta water quality as an important parameter, the Public Draft inappropriately states that “Delta water quality is potentially threatened by both the kind of isolated conveyance being studied as part of the BDCP and by some conservation measures that are being proposed as part of the BDCP.” Instead of arguing against particulars of the BDCP, the ESP should be making recommendations on how to improve the Delta’s economic sustainability in concert with those actions and activities.
- P 213 2<sup>nd</sup> bullet: This statement perpetuates the Public Draft’s misleading characterization of salinity impacts in the south Delta attributable to operation of an isolated conveyance facility. The ESP should instead refer to publicly available analyses. A water quality analysis summary can be found on the BDCP website at <http://batdeltaconservationplan.com>. Additional detail can be found from a then Steering Committee then agenda and handouts under the June 17, 2010 Presentation Modeling Update at the following URL: [http://baydeltaconservationplan.com/Libraries/SC\\_Agendas\\_and\\_Handouts/6\\_17\\_10\\_SC\\_Presentation\\_Modeling\\_Update.sflb.ashx](http://baydeltaconservationplan.com/Libraries/SC_Agendas_and_Handouts/6_17_10_SC_Presentation_Modeling_Update.sflb.ashx). Further detail can be provided by Karla Nemeth of the Resources Agency at (916) 651-7587. There is also a good summary of the detailed modeling that was done including climate change that can be found in the April 22, 2010 Steering Committee under Physical Modeling Update.
- P 218 ¶ 2 L 4-6: The assertion that there is a general “requirement to restore and enhance the Delta” is overstated and without basis. State policy is focused on the coequal goals and achieving them with sensitivity to the Delta “as an evolving place”. The ESP doesn’t capture this reality accurately.
- P 222 4<sup>th</sup> bullet: SFCWA acknowledges that there is a need to “regulate” and prevent activities/actions in the Delta that would impede efforts to achieve the coequal goals or preclude habitat conversion in desired areas as part of the BDCP or other Habitat Conservation Plans. However, there cannot be a blanket exemption from the need to be consistent with the Delta Plan and the coequal goals. As written, this would be a catastrophic loophole with the potential to severely and negatively affect implementation of the BDCP – central to the Delta Plan itself.
- P 223 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> bullets: These bullet points should be deleted. Once again the Public Draft seeks to alter the reality it was intended to deal with by trying to assert various components of the BDCP should not be implemented. The statement pertaining to

conveyance, tidal marsh in the south Delta and open water habitat in the Central Delta – “The following proposed actions to further the coequal goals are not recommended because they conflict with economic sustainability” – is beyond the scope of the ESP. Economic sustainability must be consistent with the actions “to further the coequal goals,” not the other way around.

- P 223 ¶ 2 L 1-6: This bullet should be deleted. The Public Draft should not be making a reference to any further study in 5-15 years of “alternative water conveyance proposals.”

Thank you for the opportunity to provide comment on the Draft report. We will continue to work with the Commission and others toward development of a realistic Delta Plan that achieves the State’s coequal goals of providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem in a manner that protects and enhances the unique cultural, recreational, natural resource and agricultural values of the Delta as an evolving place.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron Buck", with a stylized, flowing script.

Byron M. Buck  
Executive Director

Cc: Delta Stewardship Council  
Delta Conservancy  
Dr. Jerry Meral, Assistant Resources Secretary